

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FERNAN MONTANO,

Plaintiff,

v.

SMALL BUSINESS ADMINISTRATION,

Defendant.

No. 2:22-cv-1753 TLN DB PS

FINDINGS AND RECOMMENDATIONS

Plaintiff Fernan Montano is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). By order signed April 11, 2023, plaintiff's complaint was dismissed and plaintiff was granted leave to file an amended complaint that cured the defects noted in that order. (ECF No. 4.) Plaintiff was granted twenty-eight days from the date of service of the order to file an amended complaint and was specifically cautioned that the failure to respond to the court's order in a timely manner would result in a recommendation that this action be dismissed. The twenty-eight-day period has long since expired, and plaintiff has not responded to the court's order in any manner.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; FED. R. CIV. P. 41(b).

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

1 after being served with these findings and recommendations, plaintiff may file written objections
2 with the court. A document containing objections should be titled “Objections to Magistrate
3 Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within
4 the specified time may waive the right to appeal the District Court’s order. See Martinez v. Ylst,
5 951 F.2d 1153 (9th Cir. 1991).

6 Dated: October 23, 2023

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9 DEBORAH BARNES
10 UNITED STATES MAGISTRATE JUDGE
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